File #: ORD. 2020-030, **Version:** 1

To authorize the special use of the properties known as 1600 West Broad Street and 1606 West Broad Street for the purpose of a mixed-use building containing up to 168 dwelling units, upon certain terms and conditions.

WHEREAS, the owner of the properties known as 1600 West Broad Street and 1606 West Broad Street, which are situated in a M-1 Light Industrial District, desires to use such property for the purpose of a mixed-use building containing up to 168 dwelling units and commercial uses on the ground floor, which use, among other things, is not currently allowed by section 30-452.1 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2018), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at

which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the properties known as 1600 West Broad Street and 1606 West Broad Street and identified as Tax Parcel Nos. N000-0822/001 and N000-0822/007, respectively, in the 2020 records of the City Assessor, being more particularly shown on a survey entitled "ALTA / NSPS Land Title Survey of 1600 & 1606 W Broad Street, City of Richmond, Virginia," prepared by Draper Aden Associates, and dated September 18, 2019, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of a mixed-use building containing up to 168 dwelling units and commercial uses on the ground floor, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Opus at Richmond," prepared by Opus AE Group, L.L.C., dated October 11, 2019, and last revised January 16, 2020, hereinafter referred to as "the Plans," copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the

Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as "the Owner." The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as a mixed-use building containing up to 168 dwelling units and commercial uses on the ground floor, substantially as shown on the Plans.

(b) No fewer than 79 off-street parking spaces and no fewer than six on-street parking spaces shall be provided for the Special Use, substantially as shown on the Plans.

(c) All building materials, material colors, and site improvements including landscaping, shall be substantially as shown on the Plans.

(e) All site improvements, including installation of trees and vegetation screening on the Property, shall be substantially as shown on the Plans. The vegetation screening shall follow the planting and fence/wall requirements of Buffer "A", Buffer "C", or "Buffer H", as set forth in section 30-710.13(2)(b) of the Code of the City of Richmond (2015), as amended, unless otherwise approved by the Director of Planning and Development Review pursuant to applicable laws, rules, and regulations.

(f) The height of the Special Use shall not exceed the height as shown on the Plans.

(g) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(h) Storage for no fewer than 55 resident bicycles and ten visitor bicycles shall be provided on the Property, substantially as shown on the Plans.

(i) Signs shall be limited to signs permitted in all districts pursuant to section 30-505 of the Code of the City of Richmond (2015), as amended, and signs permitted in the TOD-1 Transit-Oriented Nodal District pursuant to applicable provisions of the Code of the City of Richmond (2015), as amended.

(j) Interior doors to bedrooms within dwelling units may contain exterior locking mechanisms.

(k) Up to four unrelated persons or combination of related and unrelated persons may reside within individual dwelling units.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way, including installation of street trees and landscape buffer, sidewalk improvements, curb additions and extensions, bicycle racks, six on-street parking spaces, and a pedestrian safety railing, substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City,

following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections

30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Zoning Administrator is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

O & R Request

DATE: December 27, 2019 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer

THROUGH: Sharon L. Ebert, Chief Administrative Officer for Economic Development and Planning

FROM: Mark A. Olinger, Director, Department of Planning and Development Review

RE: To authorize the special use of the properties known as 1600 and 1606 West Broad Street, for the purpose of a mixed-use building containing up to 170 dwelling units, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the properties known as 1600 and 1606 West Broad Street, for the purpose of a mixed-use building containing up to 170 dwelling units, upon certain terms and conditions.

REASON: The applicant has requested a special use permit to allow a mixed-use building to include apartments and ground floor commercial. A Special Use Permit is required to accomplish this request.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its February 18, 2020 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of two improved parcels totaling 25,275 SF (.58 acres), and is a part of the Newtown West neighborhood in the City's Near West Planning District, at the northwest corner of West Broad Street and North Lombardy Street.

The City of Richmond's current Pulse Corridor Plan designates the subject property for Nodal Mixed Use (NO-MU). The plan calls for development aligned with the Transit-oriented district located immediately adjacent to the Pulse BRT or other frequent transit service at key gateways and prominent places in the city in order to provide for significant, urban-form development in appropriate locations. Higher-density pedestrian- and transit -oriented development encouraged on vacant and underutilized sites; new development should be urban in form and may be of larger scale than existing context. It should directly engage with the prominence of Nodal Mixed -Use places and the public realm. Highly active street frontages and urban design features that encourage pedestrian activity are required. Driveway entrances required to be off alleys whenever possible; new driveways prohibited on street-oriented commercial and priority street frontages. Little to no setback of new development unless to create pedestrian-oriented amenities like plazas and outdoor dining. Surface parking prohibited as a principal use; when surface parking is provided as an accessory use, it should be located to the rear of buildings and screened by shade trees. Parking requirements are reduced to allow more market-based parking strategies, including shared parking. Potential future zoning districts: B-4, B-5, RF-1, RF-2, or a new district.

The property is currently zoned M-1 Light Industrial as are surrounding parcels to the north, west, and east. Property to the south, across West Broad Street, is located in the UB Urban Business District. A mix of commercial, residential, office, and institutional land uses are present in the area.

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FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: $2,400 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: January 27, 2020

CITY COUNCIL PUBLIC HEARING DATE: February 24, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission February 18, 2020

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Application Form, Applicant's Report, Draft Ordinance, Plans, Survey, Map

STAFF: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 804-646-5734

Key Issues:
Retain on Consent Agenda
Move to Regular Agenda
Refer Back to Committee
Remove from Council Agenda
Strike Withdrawn Continue to: